

MINUTES
Crested Butte Town Council
Regular Council Meeting
July 3, 2012
Council Chambers, Crested Butte Town Hall

Mayor Aaron Huckstep called the meeting to order at 7:04 p.m. Councilmembers present: Glenn Michel, Roland Mason, Jim Schmidt, Shaun Matusiewicz, David Owen and John Wirsing. Staff Present: Town Manager Susan Parker, Finance Director Lois Rozman (for part of the meeting), Town Clerk Eileen Hughes, Town Attorney John Belkin, Building and Zoning Director Bob Gillie (for part of the meeting) and Parks and Recreation Director Jake Jones (for part of the meeting).

APPROVAL OF AGENDA

Matusiewicz moved and Owen seconded to approve the agenda. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

CONSENT AGENDA

A) Approval of Minutes of June 18, 2012 Regular Council Meeting.

B) Approval of Revocable License Agreement For Sidewalk Seating for The Forest Queen Located At 129 Elk Avenue.

Matusiewicz moved and Wirsing seconded to approve the Consent Agenda. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

PUBLIC COMMENTS

Crested Butte resident Margot Levy, who is a member of the Town's Affordable Housing Committee, noted that one member of the committee has moved and that there was some discussion recently about the composition of the committee. Levy urged Council to make a decision about the composition of the committee and how it wants to move forward regarding the Affordable Housing Committee.

STAFF UPDATES

Jake Jones:

- Town staff and the Chamber of Commerce are prepared for 4th of July activities. Three town staff members will be on duty all day picking up trash and working with the Office for Resource Efficiency's trash and recycling program.
- A councilmember told Jones he has gotten complaints about the loud sounds that sprinklers make when they hit the portable toilets near Town Park. Jones said he would follow up.
- There was good participation in the perimeter trail meetings from folks, who were specifically invited, but not much participation from the general public. The trail plan should be completed by the end of the year.
- He has not received any complaints from property owners in the area of the Lupine Trail. The new signage and the extension of the trail have helped resolve the trespassing issues that occurred last year.

Lois Rozman:

- Noted the May sales tax report she provided Council. May sales tax revenues are up 16 percent and sales tax revenue is up 2 percent for the year.

Bob Gillie:

- Town staff is conducting the biannual affordable housing rental survey. The survey is an effort to determine how people are using deed restricted housing.
- Work is expected to start July 23, 2012 on the Depot renovation project with completion by the end of September.
- A letter of appreciation to Historic Preservation Consultant Bob Yapp is ready for the Mayor's signature.

Eileen Hughes:

- The State moratorium on new medical marijuana center permits was lifted July 1, 2012. The Town has two licenses available on a first-come basis. She has not received any inquiries.
- Staff administratively approved a special event permit for the Old Rock Library outdoor movie series on Thursday evenings in July.

NEW BUSINESS

A) Staff Report Regarding The Purpose and Direction of Proposed Cemetery Committee.

Council noted staff report from Town Clerk Eileen Hughes on the topic. Hughes explained that staff is recommending the appointment of an ongoing cemetery advisory committee so a committee will always be in place to help guide cemetery matters. Hughes explained that in the future after the cemetery committee makes recommendations on items to place in the Town Code that language about the cemetery advisory committee can also be codified.

Matusiewicz moved and Schmidt seconded to establish a Town of Crested Butte Cemetery Committee. Five members of the public shall be appointed to the committee by the Town Council to serve two-year terms with the opportunity for re-appointment for two additional terms. Also, a member of the Crested Butte Town Council shall serve on the committee, as well as a staff member and a representative from the Crested Butte Mountain Heritage Museum. Staff shall publish a notice in the Crested Butte News seeking letters of interest from individuals to serve on a Town of Crested Butte Cemetery Committee. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

B) Discussion And Possible Direction Regarding The Allocation Of In-Kind Labor And Equipment For The Renovation Of The Town Tennis Courts For Budget Year 2013.

Parks and Recreation Director Jake Jones reviewed points in his memo to Council regarding renovation of town tennis courts. Jones introduced several members of an ad-hoc tennis court committee. Committee member Roger Cramm said he is concerned about the longevity of the tennis program in town due to the poor condition of the courts. Cramm said the committee's vision is to have "post-tensioned concrete" surfaced courts installed as a long term solution.

Jones explained that he plans to apply for a Go-CO grant for renovation of the tennis courts and with the committee helping to raise cash and the Town providing in-kind support that construction of the new

courts could start in September of 2013. Council noted that in the past there was discussion of relocating the tennis courts. Jones said there are no plans to relocate the tennis courts. Council noted that Jones has several projects on his plate, such as the perimeter trail and the proposed campground and asked if adding the tennis courts to the list is burdensome. Jones said he is comfortable with handling all the projects and thinks it's a good idea to move forward on the tennis courts with the momentum provided by the committee.

Council directed staff to proceed with the tennis court renovation project.

C) Discussion of Elk Avenue Lighting.

Building and Zoning Director Bob Gillie said he would like direction from Council about enforcing the Town Code regarding ornamental lighting and lighting for outdoor seating. Gillie asked Council if it is interested in making changes to the Code regarding lighting. Gillie highlighted a few points in his staff report and noted that the Town has a so called "Night Sky" ordinance and also has regulations regarding the length of time holiday lighting may be displayed. Gillie also noted that "permanent" holiday lighting is against electrical codes.

Gillie said Council should consider what type of lighting it wants to allow. A Council member suggested the matter be referred to the Board of Zoning and Architectural Review (BOZAR). Town Manager Susan Parker suggested a moratorium on lighting enforcement for the summer and that meanwhile BOZAR can consider the matter. Parker said the topic needs to be looked at from a community perspective. Gillie said the matter can be referred to BOZAR and if Council disagrees with BOZAR's recommendation that a committee can be formed consisting of BOZAR and Council representatives.

Several Council members commented on lighting issues and what type of lighting they thought was appropriate or inappropriate. Several councilmembers agreed that now is not a good time to launch enforcement efforts. A councilmember said Council should discuss developing a vision for Elk Avenue.

Council directed staff to schedule a work session in the fall with the BOZAR and members of the business community and requested the BOZAR to start working on lighting issues in the meantime.

Local area resident Bill Wheeler who has lived in the area since 1959 gave Council a little history of some of the lighting he has seen on businesses over the years. Wheeler noted that in the past many businesses used bare light bulbs for exterior lighting. Wheeler said it's very difficult to run a successful business in Crested Butte and businesses need more support, but he said they should not have cart blanche leeway for any type of lighting.

D) Staff Report Regarding Lobar Request for Elk Avenue Sidewalk Seating.

Mayor Huckstep noted a revised staff report from Bob Gillie regarding the Lobar's request for Elk Avenue sidewalk seating. Mayor Huckstep explained that Gillie's recommendation is still that the Lobar not be granted sidewalk seating on Elk Avenue this summer and the request be put on hold until next year when the Town can determine how the outdoor seating on the side of the building "plays out" this summer.

A councilmember said he thinks the potential "downsides" noted in Gillie's staff report about allowing Elk Avenue seating for the Lobar can be avoided by allowing only businesses that have virtually no Elk Avenue frontage to have sidewalk seating in front of another business in the same building. Another Council member said he is concerned about the Town allowing outdoor seating on both sides of a building and is reluctant to approve the Lobar's request. Two councilmembers indicated supported for allowing the Lobar to place at least a few tables on the Elk Avenue sidewalk and several councilmembers said they would rather wait and address the matter in the fall.

Lobar owner Kyleena Falzone said she is only asking for permission to place three tables on the Elk Avenue sidewalk for the summer and the tables will make the area look better and tie into the seating on the side of the building. The majority of the Council indicated support for putting the Lobar's request on hold with a review after the summer.

E) Ordinance No. 8, 2012 - An Ordinance Amending The Town's Sign Regulations Contained In Chapter 16, Article 18 Of The Crested Butte Municipal Code To Clarify The Limitations On Projecting Signs And Make Other Technical Revisions To Such Regulations.

Mayor Huckstep read the title of the ordinance. Gillie said it's reasonable to consider the Tony's Conoco sign on the Crested Butte Mountain Heritage Museum a historic sign and to allow the Museum an additional sign. One councilmember said he is supportive of the proposed revisions to the sign code contained in Ordinance No.8, Series 2012 regarding projecting and historic signs.

Schmidt moved and Matuszewicz seconded to set Ordinance No. 8, Series 2012 for public hearing on July 16, 2012.

F) Ordinance No. 9, Series 2012- An Emergency Ordinance Implementing A Stage 2 Fire Ban In The Town of Crested Butte.

Mayor Huckstep read the title of the ordinance. Town Clerk Eileen Hughes explained that the ordinance can be approved now and becomes effective immediately. She said a public hearing and ratification of the ordinance will be held at the next Council meeting.

Matuszewicz moved and Owen seconded to approve Emergency Ordinance No. 9, Series 2012. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Council took a five minute break

EXECUTIVE SESSION

For A Conference With The Town Attorney For The Purpose Of Receiving Legal Advice On Specific Legal Questions Under C.R.S. Section 24-6- 02(4) (b).

Matuszewicz moved and Mason seconded to go into executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. section 24-6-02(4) (b). A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Council went into executive session at approximately 8:45 p.m. and returned to the open meeting at 9:04 p.m. Mayor Huckstep made the required announcement upon returning to the open meeting. No immediate action was taken.

NEW BUSINESS CON'T

G) Ordinance No 7, Series 2012-An Ordinance Granting A Franchise To The Gunnison County Electric Association, Inc., A Colorado Electric Cooperative, To Operate An Electric Supply And Distribution System In The Town Of Crested Butte, Colorado.

Mayor Huckstep read the title of the Ordinance. Gunnison County Electric Association (GCEA) representatives Mike Wells and Roger Grogg were present. Mayor Huckstep noted the staff report from Bob Gillie concerning proposed revisions to the franchise agreement. Council asked a few questions about the terms of the proposed agreement. One councilmember asked if Town could establish priorities for the use of funds that are contributed to the Town annually by GCEA. Gillie replied that it's difficult for the Town to determine in advance how the funds will be spent because issues come up over the years. Council asked about undergrounding electrical lines in the alleys. Gillie said it's difficult to underground the power lines because private property is involved and he also thinks there's an historic aesthetic to retaining above ground power lines in the alleys.

Gillie said GCEA and the Town have always had a very cooperative relationship and GCEA representative Mike Wells agreed, adding that GCEA has always had a good rapport with Town staff.

Schmidt moved and Mason seconded to set Ordinance No. 7, Series 2012 for public hearing on July 16, 2012.

LEGAL MATTERS None

OTHER BUSINESS

1. Letter to the Tourism Association (TA) Supporting a Change in the TA's Bylaws to Allow Municipal Representatives on the TA Board a Vote.

Schmidt moved and Michel seconded to approve the draft letter to the TA. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

2. Discussion of Council Appointees to the Newly Created Gunnison Valley Housing Authority (GVHA).

Councilmembers Jim Schmidt and David Owen, who currently serve on the Gunnison County Housing (CGHA) Authority (CGHA), said they would like to be appointed to the GVHA which will replace the GCHA.

Matusiewicz moved and Wirsing seconded to appoint Jim Schmidt and David Owen to the Gunnison Valley Housing Authority. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

3. Council member Jim Schmidt requested that an item be placed on the next Council agenda regarding special events and insurance requirements for political representatives.

4. Brief Discussion of 4th of July float.

COUNCIL REPORTS AND COMMITTEE UPDATES

Shaun Matusiewicz:

- The Tourism Association (TA) will be discussing a proposed change in their bylaws at its next meeting.
- He attended a Crested Butte/Mt. Crested Butte Chamber of Commerce meeting. There was discussion of the chainless bike race event which went well this year. The Chamber estimates that approximately \$200,000 was pumped into the local economy during Crested Butte Bike Week.

David Owen:

- Last Friday he joined Town Manager Susan Parker, Mt. Crested Butte Town Manager Joe Fitzpatrick and others for phone interviews of six candidates for the executive director position of the Gunnison Valley Housing Authority.

Roland Mason:

- Attended a recent Rural Transportation Authority (RTA) Board meeting. The Board discussed funding from local municipalities for the minimum revenue airline guarantee program. The Board also discussed the concept of elected officials who serve on the RTA directly approaching United Airlines about daily service to Gunnison.

Glenn Michel:

- Attended a recent Mt. Express Board meeting. Representatives associated with bus transportation in the Roaring Fork Valley will be coming to a Mt. Express Board meeting to discuss various topics related to public bus service.
- The Office for Resource Efficiency (ORE) hired a new executive director. ORE's Board president now lives in Paonia. He is concerned about many inactive Board members and ORE's funding stream.

Aaron Huckstep:

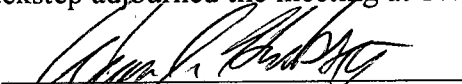
- There will be a joint letter to the editor in the Crested Butte News from Mt. Crested Butte Mayor William Buck and him about the fire restrictions.
- He received a N.Y. Times article about medical marijuana.
- Received an e-mail about establishing a volunteer watch patrol for fires.
- Received an e-mail about utilizing an online Town Hall as a way to engage citizens.
- Senator Bennett will be in Crested Butte on the 4th of July from 12:30 to 2:30 at Jim Starr's house and on July 5 there will be an event at the Oh Be Joyful campground.
- He will forward Council the statistics he received from the Crested Butte/Mt. Crested Butte Chamber of Commerce regarding Crested Butte Bike Week.
- Attended the grand opening festivities of the Rocky Mountain Biological Laboratory's (RMBL) new research facility. RMBL is launching a \$10 million capital campaign.

EXECUTIVE SESSION

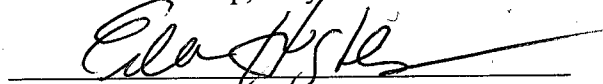
Schmidt moved Wirsing seconded to go into executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. section 24-6- 02(4) (b). A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Council went into executive session at 10:02 p.m. and returned from executive session at 10:30 p.m. Mayor Huckstep made the required announcement upon returning to the open meeting. No action was taken.

Mayor Huckstep adjourned the meeting at 10:31 p.m.



Aaron J. Huckstep, Mayor



Eileen Hughes, Town Clerk

(SEAL)

